



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,182	01/28/2004	Shinji Kajita	2004_0120A	9850

513 7590 02/09/2007
WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

KORNAKOV, MICHAIL

ART UNIT	PAPER NUMBER
----------	--------------

1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/765,182

Applicant(s)

KAJITA ET AL.

Examiner

Michael Kornakov

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Masui et al (U.S. 6,945,259).

Masui teaches substrate cleaning apparatus and substrate cleaning method. The apparatus of Masui comprises a rotatable substrate holder 3; a cleaning cup 6 (reads on "scattering prevention cup", as instantly claimed); a cup cleaner 14 for cleaning an inner wall surface of the cap. With regard to claim 2, Masui teaches that the cup 6 is movable upwardly and downwardly and therefore is fully capable of being held at any position

Art Unit: 1746

recited in claim 2. The cleaning method of Masui includes processing a substrate with chemical liquid, cleaning an inner wall of the cleaning cup and cleaning the substrate, which has been processed by the chemical liquid (col.3, lines 1-6; col. 7, lines 27-54; col. 10, lines 54-57; Fig. 5).

3. Claims 1, 3-5, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomita et al (U.S. 5,634,980).

Tomita teaches substrate washing device and a method for washing substrates. The device of Tomita comprises rotatable substrate holder 12, a chamber surrounding the substrate (reads on "a scattering prevention cup", as claimed); chamber rinsing nozzles 15 (reads on "cup cleaner") for cleaning inner wall surface of the chamber; a plurality of cleaning liquid supply nozzles 16 for cleaning the substrate holder. The washing method of Tomita includes washing substrate with the liquid washing mixture, cleaning the substrate holder and inner walls of the chamber and rinsing the substrate (Fig. 1; col. 3, lines 8-10; col. 5, lines 8-49).

4. Claims 1, 3-5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP6-106126.

JP'126 teaches coating device comprising a substrate holding system 6 for holding and rotating substrate; a cup 24; a nozzle 38 to wash the inner surface of the cup; a plurality of nozzles 42, which are fully capable of cleaning at least a portion of substrate holding system, wherein nozzles 42 are attached to the cup (Abstract; Fig. 1, 3; 0020-0022).

5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by JP10-172945.

Art Unit: 1746

JP'945 teaches wafer cleaning device comprising a wafer holder for holding and rotating the wafer; a processing liquid supply portion having a nozzle 3 for supplying a processing liquid toward the wafer held by the holder; a cleaning nozzle 7, the tip of which is made to produce shower like pure water flow, thus inherently wetting and cleaning a processing liquid supply portion (Fig. 1, 2; 0006-0008).

6. Applicants' attention is drawn to the fact that the instant independent claims 1, 4, 7 represent different and distinct embodiments of the processing apparatus and claim 8 recites a method of processing, thus representing distinct inventions described by four groups of claims. The restriction requirement is not made at this time, however it may be imposed later if the claims are amended to introduce additional limitations to each group, which would require an additional search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Kornakov
Primary Examiner
Art Unit 1746

02/05/2007